

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

VAL DAY, et al.,

Case No. 2:12-CV-577 JCM (CWH)

Plaintiff(s),

ORDER

V.

FORMAN AUTOMOTIVE GROUP,

Defendant(s).

13 Presently before the court is defendant Forman Automotive Group's (hereinafter
14 "defendant") second emergency motion to continue trial date. (Doc. # 110).

On May 20, 2015, defendant filed its first emergency motion to continue trial. (Doc. # 106). In that motion, defendant stated that a number of its witnesses had planned vacations in the coming months. Accordingly, defendant asked for a continuance from the existing trial date of June 15, 2015, to a date not sooner than September 7, 2015. (Doc. # 106).

In its first motion, defendant listed the specific dates of its witnesses' vacation plans. Specifically, defendant represented that its president, Mr. Forman, would be out of the country for two weeks beginning June 14, 2015; and again from July 25, 2015, through August 7, 2015. Defendant also noted vacation plans of other witnesses from July 3, 2015, through July 4, 2015; July 21, 2015, through July 24, 2015; July 26, 2015, through August 2, 2015; and for the week of August 17, 2015. Finally, defense counsel stated that he had a family vacation scheduled from "August 29, 2015 through July 5, 2015." (Doc. # 106).

26 Plaintiff Val Day (“plaintiff”) filed a response to defendant’s motion, opposing defendant’s
27 request on the grounds that a three-month delay would be prejudicial. (Doc. # 108). Relying on

1 defendant's representations, the court selected the single available week among all the purported
2 vacation plans and set trial for July 13, 2015. (Doc. # 109).

3 Defendant now files another motion to continue, seeking a continuance to July 27, 2015.¹
4 Defendant belatedly mentions that Mr. Forman has a "nearly year-long planned family vacation
5 on July 12-19, 2015." Defendant states that "Mr. Foreman [sic] is willing to make himself
6 available for trial on any date beginning July 27, 2015, or thereafter." (Doc. # 110).

7 Defendant omitted this vacation from the extensive list in its prior motion, misrepresenting
8 the availability of its witnesses to the court. The court relied on defendant's prior representations
9 in setting the current trial date. The court declines to entertain any further continuance requests
10 by defendant.

11 Accordingly,

12 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that defendant's emergency
13 motion to continue, (doc. # 110), be, and the same hereby is, DENIED.

14 DATED June 10, 2015.

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17 UNITED STATES DISTRICT JUDGE

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27 ¹ Defendant concludes its motion by "respectfully request[ing] the Court grant the
28 Defendant's request to continue the current trial date for two weeks to July 27, 2007, or as soon
thereafter as the Court's schedule will permit." (Doc. # 110). The court assumes that defendant
is requesting a continuance to July 27, 2015.